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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,397	11/03/2003	Michael D. Keller	ISM-5	5809
22855	7590	08/30/2005	EXAMINER	
RANDALL J. KNUTH P.C. 4921 DESOTO DRIVE FORT WAYNE, IN 46815			BRINSON, PATRICK F	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,397	Applicant(s) KELLER, MICHAEL D.	
	Examiner Patrick F. Brinson	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-13 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) 14-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 and 44-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-9, 11-13, 44, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,119,714 to **Otzen** in view of 2,930,155 to **Becker**.

The patent to **Otzen** discloses a fitting having a body with an upper end and a lower end and an outer radial peripheral surface, the upper end and the lower end of the body defining a longitudinal axis of the fitting. A recess (22) formed in the fitting body at the lower end, the recess having a threaded surface (24) complementary to the threaded surface of the tire stem (30), with tabs (40) and (28), with tab (28) extending generally radially from the fitting at the outer radial peripheral surface, as recited in claim 1. The tab projection piece has a surface bearing indicia, as recited in claim 11. The upper end also includes a surface bearing indicia, with both the tab projection piece and upper end indicia including text, alphanumeric characteristics, local, advertisement, etc. Each tab being removably attached to the fitting body, as recited in claim

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47. The fitting has a reduced diameter profile, as recited in claim 4. The patent to **Otzen** discloses the recited structure, including the tab projection piece on a lower end of the fitting body, but does not disclose the tab extending from the fitting body at an outer radial peripheral surface. The patent to **Becker** discloses a threaded fitting body (7) having at its lower peripheral end a projection tab that extends in a cantilevering arrangement in a direction substantially orthogonal to the longitudinal axis of the fitting. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tab of **Otzen** to extend away from the body, as suggested by **Becker**, in order to provide the tab in an orientation that would provide for easier reading of the indicia thereon.

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Otzen** in view of **Becker** as applied to claim 1 above, and further in view of U.S. 4,545,246 to **Starmer**.

The patent to **Otzen**, as modified, discloses the recited structure, but does not disclose the body as having a frustoconical shape, having a tapered profile. The patent to **Starmer** discloses a tire pressure indicating device having body having a frustoconical shape having a tapered profile. It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to form the body of **Otzen**, as modified, into a tapered frustoconical shape, as suggested by **Starmer**, in order to progressively taper the body from a wide upper portion that can be easily gripped by a user for turning to a slimmer lower portion that fits the width of the valve stem.

3. Claims 1, 45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Otzen** in view of U.S. 5,382,408 to **Perlman**.

The patent to **Otzen** discloses a fitting having a body with an upper end and a lower end and an outer radial peripheral surface, the upper end and the lower end of the body defining a longitudinal axis of the fitting. A recess (22) formed in the fitting body at the lower end, the recess having a threaded surface (24) complementary to the threaded surface of the tire stem (30), with tabs (40) and (28), with tab (28) extending generally radially from the fitting at the outer radial peripheral surface, as recited in claim 1. **Otzen** does not disclose the projection tab extending from the body in a direction oblique to the longitudinal axis of the fitting, nor is the tab hinged to the fitting body. The patent to **Perlman** discloses a body including a projection tab (14) that is hinged to the body. The tab also includes a portion (26) that extends in direction oblique to the axis of the body. The bottom of Col. 6 discloses that the portion (26) is formed with an essentially flat geometry and matte finish to

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facilitate marking and identifying indicia. It would have been obvious to one having ordinary skill in the art at the time the invention was made to one of ordinary skill in the art at the time the invention was made to modify the projection tab of **Otzen** to extend in an oblique direction, as suggested by **Perlman** in order to allow easier reading of the indicia and to attach the projection via a hinge, also suggested by **Perlman** in order to enable deflection of the tab piece relative to the body.

Response to Amendment

4. Applicant argues that the **Starmer** valve cap does not disclose a tab projection piece that extends generally from the fitting body at the radial peripheral surface of the fitting body. The rejections in view of **Starmer** have been withdrawn. The patent to **Otzen**, however, does disclose a valve cap with a “projection tab” (28) that surrounds about and therefore extends minimally from the fitting body at the radial peripheral surface. The patents to **Becker** and **Perlman** are used to modify **Otzen** wherein they provide the teachings of further extending the tab from the body in order to provide easier reading of the indicia placed on the tab. **Starmer** is also used to disclose the teaching of a frustoconical, tapered body that progressively reduces in diameter from a large top to a slender bottom.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (571) 272-4906.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick F. Brinson
Primary Examiner
Art Unit 3754

P. F. Brinson
August 26, 2005